

Agenda Item	
	Pledge of Allegiance
A-1	No one wished to be heard during the Open Comment Period.
B-1	President Dennis Hanson called the meeting to order at 7:00 P.M. with the following members present Councilmembers Pat Carr, Marcia Marcoux, Jean McConnell, Sandra Means and Bob Nowicki. Absent: Councilmember Amy Blenker and Mayor Ardell F. Brede.
C-1	Councilmember Marcoux moved, McConnell seconded to adopt Resolution No. 187-05 referring the petition for Street Rehabilitation to include concrete curb and gutter for 5 th Ave. NE from Northern Heights Dr. to 20 th Street NE and the 5 th Ave. cul-de-sac for a feasibility study. Ayes (6), Nays (0). Motion carried.
D-2,4-16,18-22, 24-31	Councilmembers Nowicki moved, Means seconded, to approve the following consent agenda items.
D-1	See at end of D items
D-2	Approve the appointments of Nikki McDonald and Steve Orwoll to the Civic Music Board for the terms ending December 2007.
D-3	See at end of D-items.
D-4	Adopted Resolution No. 188-05 approving the transfer of Reservoir WR-6A Management to the Rochester Park Board.
D-5	Adopted Resolution No. 189-05 approving the transfer of JOBZ Zone Modification acreage from Rochester Technology Park 4 th Subdivision to Airport Property.
D-6	Approved the following miscellaneous licenses and activities.
	<p style="text-align: center;"><u>GAMBLING – TEMPORARY</u></p> <p>American Legion Post #551 PO Box 311 Eyota, MN. 55934 Raffle 6/24 – 25/05 Olmsted Co. Fairgrounds</p>
	<p style="text-align: center;"><u>HEATING CONTRACTOR</u></p> <p>Preferred Sewer & Water, Inc. 21 13th Ave SE Rochester, MN. 55904</p>

Agenda
Item**MASTER INSTALLER**

Jason Guimond
25 13th Ave SE
Rochester, MN. 55904

SIGNS

Rose City Sign Company
31208 County Rd 71
Eagle Bend, MN. 56446

LaCrosse Awning & Tent Co.
2127 George St
LaCrosse WI 54603

SOUND AMPLIFICATION

The Sandtrap
3342 19th St NW
Rochester, MN. 55901
Customer Appreciation Party 8/27/05 4:00 PM to 11:00 PM

Mickey's Irish Saloon
1605 Civic Center Dr NW
Rochester, MN. 55901
Charity Fundraisers 6/11/05, 7/8/05, (Rain Date 7/9/05) & 8/20/05
Parking Lot 5:00 PM to 9:00 PM on 6/11 & 8/20 7:00 PM to 11:00
PM on 7/8/05

Rochester Community Band
PO Box 754
Rochester, MN. 55903
Concert – Central Park 6/4/05 6:00 PM to 9:00 PM

Wal-Mart North
3400 55th St NW
Rochester, MN. 55901
Summer Picnic – Essex Park 8/7/05 11:00 AM to 4:00 PM

MISCELLANEOUS

Rochester Memorial Association
%William Lyke

7376

Agenda Item	
	<p>846 10th St NW Rochester, MN. 55901 Annual Memorial Day Parade 5/30/05 9:00AM to 11:30AM</p> <p>Lora Powell 1120 Glendale Hills Dr NE Rochester, MN 55906 Glendale Neighborhood Association Flag Day Kiddies Parade 6/14/05 6:00 PM to 7:00 PM</p> <p>Gold Wing Road Riders Association 12500 42nd PI N Plymouth, MN. 55442 Tri-State Rally 7/22 -23/05</p>
D-7	Adopted Resolution No. 190-05 approving the Downtown Business Association (DBA) Annual Outdoor Market Place and Concert Series from June 23 rd through September 29 th , 2005.
D-8	Approved the required permits and licenses for the Rochesterfest Activities from June 18 through June 26, 2005
D-9	Adopted Resolution No. 191-05 approving the Street Closing, Meters Bagged and Miscellaneous Parking Restrictions during the Rochesterfest festival from June 18 through June 26, 2005.
D-10	Approved Accounts Payable in the amount of \$3,899,958.64 and Investment Purchases of \$13,043,063.64.
D-11	Adopted Resolution No. 192-05 approving an agreement with New World Systems for the purchase of Equipment Tracking and Maintenance, Vehicle Tracking and Maintenance and Data Analysis and Mapping Modules.
D-12	Approving appointment of Lance M. Bergeson to the position of Firefighter effective May 19, 2005.
D-13	Approving appointment of Brian E. Petersen to the position of Firefighter effective May 19, 2005.
D-14	Approving appointment of Michael A. Nelson to the position of Firefighter effective May 19, 2005.
D-15	Adopted Resolution No. 193-05 approving Amendment No. 1 to the Gang Strike Force Contract #2005-GSF-00257/9300-1309.
D-16	Adopted Resolution No. 194-05 authorizing the City Clerk to advertise for bids for Project No. M4-40 J-7733, "Construct Sanitary Sewer in 12 th Street North from

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	West Silver Lake Drive NE to 2 nd Ave. NW and North along 2 nd Ave. NW to Cascade Creek".
D-17	See at end of D items.
D-18	Adopted Resolution No. 195-05 approving a Revocable Permit for Qwest Corporation to allow the placement of pedestal box at the northwest corner of the intersection of 2 nd Ave. NW and 13 th St. NW.
D-19	Adopted Resolution No. 196-05 awarding the contract for Project M5-11, J-4607, "Construct Pedestrian Ramps in Various Locations", to Legends Concrete in the amount of \$44,270.00.
D-20	Adopted Resolution No. 197-05 amending parking changes on West Side of the 10 block of 3 rd Ave. NW.
D-21	Adopted Resolution No. 198-05 executing a Development Agreement with Hayden Properties, LLC, concerning the Stonebrooke Subdivision.
D-22	Adopted Resolution No. 199-05 approving execution of the City/Owner contract with Olmsted Land Group, LLC and Road Constructors, Inc. for J-5166, "Reconstruct 34 th Ave. NW, including public utilities, from 9 th St. NW to end of cul-de-sac to facilitate development of Radichel First Replat".
D-23	See at end of D-items.
D-24	Adopted Resolution No. 200-05 approving the Contribution /Pedestrian Facility/Right-Of-Way Dedication Agreement with James W. Lupient.
D-25	Adopted Resolution No. 201-05 awarding the contract for Project No. M5-12, J-6517, "Surface Water Improvements to Common Area North of 7 ½ Ave. NE" to Winona Mechanical for \$18,767.50.
D-26	Adopted Resolution No. 202-05 authorizing the City Clerk to advertise for bids for Project No. M3-44, J-4604, "Salem Road Bike Trail".
D-27	Approved the Mayor and City Clerk to adopt the Ordinance for annexation of properties in Cascade Township-Overland Drive NW project.
D-28	Adopted Resolution No. 203-05 authorizing an amendment of an agreement with Walker Parking Consultants of Minneapolis to prepare plans and specifications for restoration of the Center Street Parking Ramp at a cost not to exceed \$64,495 and the letting of bids for the project.
D-29	Adopted Resolution No. 204-05 executing Change Order No. 3 for the 2004 Plant Expansion Project (J-4390) with Sheehy Construction Company, Inc.
D-30	Approving transfer of On-Sale and Sunday Liquor Licenses for the Radisson Plaza Hotel to BGD5 Ltd Partnership.

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 14 – May 16, 2005

7378

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D-31	Approving the appointment of Pat Ryan to the Zoning board of Appeals for the term ending December 2007.
D-1	Councilmember Carr asked that the May 2 nd meeting minutes be reviewed for comments by Don Nelson, Wildlife Supervisor for the DNR on the deer population for the City of Rochester. The tapes will be reviewed for content and brought back to Council on June 6, 2005.
D-3	<p>Councilmember Means wanted to publicly recognize the Deferral of Special Assessments Policy and the benefit to the senior and disabled community.</p> <p>Councilmember Means moved, Marcoux seconded to adopt Resolution No. 205-05 approving the Deferment of Special Assessments. Ayes (6), Nays (0). Motion carried.</p>
D-17	<p>Councilmember Carr asked if this demolition could be used as Emergency Services Training. Fire Staff is reviewing the property and working with Public Works to see if this is viable.</p> <p>Councilmember Carr moved, Means seconded, to adopt Resolution No. 206-05 approving Project No. J-7731, "Demolition of the Peterson Farm at 6420 Bandel Road NW." Ayes (6), Nays (0). Motion carried.</p>
D-23	<p>Councilmember McConnell asked that the property owners on 48th Street be notified of the plans for development even though this is not a requirement. Staff will get the information to the property owners.</p> <p>Councilmember McConnell moved, Carr seconded, to adopt Resolution No. 207-05 approving execution of the City/Owner Contract for J-5174, "Public Improvements to the Minnesota School of Business/Globe College." Ayes (6), Nays (0). Motion carried.</p>
H-1	<p>President Hanson announced that there would be no discussion on the Amendment to R.C.O. Chapter 85.13 relating to Discharge and Transportation of Weapons in the City. This was so the full council could be present to vote on this matter.</p> <p>Councilmember McConnell moved, Carr seconded to table to June 6, 2005 the issue of Amendment to R.C.O. Chapter 85.13 relating to Discharge and Transportation of Weapons in the City. Ayes (6), Nays (0). Motion carried.</p>
E-1	<p>A Hearing Relating to Proposed Bioscience Business Subsidy for PEMSTAR, Inc.</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, Means seconded to adopt Resolution No. 208-05 executing the Proposed Bioscience Business Subsidy for PEMSTAR, Inc. Ayes (6), Nays (0). Motion carried.</p>
E-2	A Hearing on General Development Plan #255 by Mills Properties to be known as

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Mills Property GDP located south of 48th St. SE, east of TH 63 and west of St. Bridget Road SE.

Wishing to be heard was Bruce Buxton, 512 Laurel Street, representing the developer. He stated they were in agreement with the conditions except for the wording of Condition #1 that states there are inadequate on/off site public facilities to accommodate the development of this property.

Mike Nigbur, Public Works Department, explained that in the Public Works review of the plan, they found specifically the Sanitary Sewer, Water, and Storm Water Management Facilities inadequate. He agreed that the development would help the situation but would not alleviate the inadequacies.

City Attorney, Terry Adkins emphasized that this is a crucial point that the Public Works Department is stating that there are inadequacies and that the developer chose not to respond to the statement.

Wishing to be heard was Bruce Buxton stating he received the Development Agreement two weeks ago and is working on the agreement but felt it would take more than 2 weeks to finalize.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmembers Marcoux moved, Nowicki seconded, to approve General Development Plan #255 by Mills Properties to be known as Mills Property GDP with seven conditions as written and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (6), Nays (0). Motion carried.

E-3

A Hearing on Preliminary Plat #05-12 by Mills Properties, Inc. and Rochester Petroleum Equipment, Inc. located south of 48th Street SE, between TH 63 and St. Bridget Road.

Wishing to be heard was Bruce Buxton, 512 Laurel Street, representing the developer. He stated they were in agreement with the conditions but again objected to the wording in condition one as to inadequate off site public facilities. He was available for any questions.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmember McConnell moved, Carr seconded to continue the hearing to June 6, 2005, on Preliminary Plat #05-12 by Mills Properties, Inc. and Rochester Petroleum Equipment, Inc.

Discussion followed:

Tom Green, Vice-President of Mills Properties, Brainerd asked if approving the GDP and not the Preliminary Plat on a project was ever done by the city before. Staff could not recall this issue coming to the council in this order before. Usually the GDP is approved and the Preliminary Plat comes before the council at a later date.

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Tom Hexum, Maine Street Development, 1000 Rocky Creek Drive NE. He stated he is developing the property contiguous to this development and the preliminary plat for that has been approved with the same condition that stated the inadequacy for the development. He feels the way the condition is stated leaves the city open to work with the TID costs.

Steve Kvenvold, City Administrator, stated the staff has limited flexibility in negotiating these costs with the developers. He stated to hold true to the policy passed by the council in place, the developers have to agree to these charges or take the issue to court. He also felt three weeks would not be sufficient time to come to an agreement on the TID costs.

Public Works was directed to prepare documentation stating specifically what the inadequacies are for the off-site development.

The motion to continue was stated again. Ayes (6), Nays (0). Motion carried.

Councilmember Marcoux moved, Carr seconded to adopt Resolution No. 209-05 approving the Substantial Land Alteration for Mills Properties and Rochester Petroleum Equipment, Inc. for property located south of 48th Street SE, between Highway 63 and St. Bridget Road with condition #10 taken from the recommended conditions of approval for the Preliminary Plat. Ayes (6), Nays (0). Motion carried.

E-4

A Hearing on Text Amendment #05-03 initiated by the Rochester Planning and Zoning Commission to amend the Rochester Zoning Ordinance and Land Development Manual to include provisions for allowing increased sign size and internal lighting for signs in the B-5 zoning district.

Wishing to be heard was Jeff Brown, 1434 Salem Lane SW. He stated he was in favor of the text amendment but requested that the council consider the sign size be increased another 10 square feet to accommodate the speed of 45 mph. According to the sign companies smaller signs cannot be read at that speed. He also felt the free standing signs requiring 100 feet from residential area should not pertain to his plan because they will only be facing commercial property. They will also be curbed and opaque to help reduce the brightness at night. He asked that this be changed to 70 feet.

Mitzi Baker, Planning Commission, stated that the B-5 is a very restrictive use district and staff was following the guidelines set for this district. She explained that if the council feels this should be 50 square feet, an option would be to change this to be a Type II Design Modification which would require public notification and council would make the determination instead of staff. She stated as far as the 100 foot requirement for the free standing sign in a residential area, this could be reduced and still be acceptable.

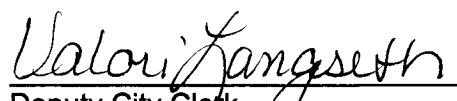
Wishing to be heard was Josh Johnson, McGhie & Betts representing the applicant. He made the point that a B-1 sign standards is allowed to increase in certain circumstances and he feels the B-5 sign standards should have the same option.

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	<p>Having no one further wishing to be heard, President Hanson closed the hearing. Councilmembers Marcoux moved, Nowicki seconded, to approve Text Amendment #05-03 initiated by the Rochester Planning & Zoning to amend Section 60.424 of the <u>Rochester Zoning Ordinance and Land Development Manual</u> regarding sign standards to be a maximum of 50 feet on a 40+ mph roadway and reduce the 100 feet of frontage on an Arterial or higher level roadway to 70 feet and the opaque lighting design be curbed. Ayes (6), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Text Amendment #05-04 initiated by the City Council to amend Section 63.260 of the <u>Rochester Zoning Ordinance and Land Development Manual</u> to address Bufferyard Requirements.</p> <p>Having no one wishing to be heard President Hanson closed the hearing.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to approve Text Amendment #05-04 initiated by the City Council to amend Section 63.260 of the <u>Rochester Zoning Ordinance and Land Development Manual</u> to address Bufferyard Requirements with a change in #6 to read "approved by the City through a revocable permit". Ayes (6), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Final Plat #05-01 to be known as Rochester Montessori Subdivision located north of 7th Street NW, west of 50th Ave. NW/Diamond Ridge Development.</p> <p>Wishing to be heard was Pete Schuller, AB Systems, 209 Woodlake Dr. SE representing the developer. Mr. Schuller was in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 210-05 approving Final Plat #05-01 to be known as Rochester Montessori Subdivision with four conditions. Ayes (6), Nays (0). Motion carried.</p>
E-7	<p>A Hearing on Final Plat #05-05 by Southern Woods Development, LLC, to be known as Willow Creek Plaza located south of 48th Street SW, west of TH 63.</p> <p>Wishing to be heard was Geoff Griffin, GGG Engineering, representing the developer. Mr. Griffin was in agreement with the conditions and was available for any questions.</p> <p>Wishing to be heard was Don Frerichs, 644 Southernwoods Circle SW. His concern was the removal of trees and the type of trees to be planted in their place. Mr. Griffin explained that they have worked with the park department and will be replacing all the trees with the same types.</p> <p>Wishing to be heard was Martha Kurth, 727 Southernwoods Circle SW. Her concern was with the development being elevated, this would bring the signs and lights higher and possibly shine into their residential area. Mr. Griffin stated there</p>

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	<p>was no plan to ask for any variance for signage or lighting. The entire development will comply with the B-4 guidelines.</p> <p>Mr. Frerichs and Mrs. Kurth were encouraged to contact the Planning Department for details in answer to their questions.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmember Marcoux moved, Means seconded, to adopt Resolution No. 211-05 approving Final Plat #05-05 by Southern Woods Development, LLC, to be known as Willow Creek Plaza with four conditions. Ayes (6), Nays (0). Motion carried.</p>
E-8	<p>A Hearing on Final Plat #05-15 to be known as Autumn Woods by Galen and Patricia Youngkrantz located along the east side of 11th Ave. SW, North of 10th Ave. SW and south of Scenario Lane SW.</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmember Nowicki moved, Carr seconded, to adopt Resolution No. 212-05 approving Final Plat #05-15 to be known as Autumn Woods by Galen and Patricia Youngkrantz with two conditions. Ayes (6), Nays (0). Motion carried.</p>
E-9	<p>A Hearing for Project No. 6207-4-00 (J-9712) "Reconstruction of 7th Street NW from Cascade Creek Bridge #55529 to North Broadway."</p> <p>Wishing to be heard was Bill Shea, 403 7th Street NW. He was representing property owners affected by the street construction. There were approximately 20 in attendance. The first concern was 7th Street being a Truck Route and asked that this be reviewed to possibly remove that designation. Seventh Street is no longer a connector road from Hwy 14 East and West and the majority of the street is residential homes. He noted most truck traffic will be exiting and entering from either Hwy 14 to Civic Center Drive or from Hwy 63 to Hwy 14 and Hwy 52. He also stated the trucks are causing problems with tree limbs and power lines. Another major concern was the speed that cars are traveling on 7th. He felt this was due to the lack of stop signs or stop lights and would like to have something installed to help with the slowing of traffic. He also stated that the park lanes aren't marked and traffic is using them as passing lanes and asked that these be marked for safety. Mr. Shea also asked for the owner of the property at 425 7th Street that this fire hydrant be relocated during the reconstruction because of how close it is to his driveway. The property owners are also concerned with the length of time that the construction will affect access to their homes.</p> <p>Doug Nelson, Public Works Department, explained that there are limited east/west connector route through the city and the Civic Center Drive does not relieve the need for all of the traffic needing an east/west connection. The engineering plan for this project is currently being reviewed by MNDOT as a truck route. The construction plan for 7th Street cannot be changed at this point, but staff will study the traffic and the truck route connector issue and report their findings to the council. As part of the project there will be a conduit constructed at the intersection of 7th Street and 6th Ave to accommodate a future signal lights. The Fire Hydrant at</p>

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	<p>425 7th Street will be moved during construction.</p> <p>Wishing to be heard was Joann Johnson, 508 7th Street NW. Her concern is the intersection at 6th Ave and 7th Street. Drivers are not stopping at the stop sign to get to the lights at 4th Ave. to take a left. This is also a congested area during peak traffic hours with the cars waiting for light changes.</p> <p>Doug Nelson explained that because of the public information meeting these issues are being reviewed and studied. He also mentioned that the access to homes will be affected for no more than two weeks if construction goes as planned. New striping of the parking and streets are part of this project.</p> <p>Wishing to be heard was Rita Sundry, 411 7th Street NW. She asked that the area be monitored during the school bus route time. She stated cars are not stopping for the stop arm on the bus. The Police Department will be notified.</p> <p>Wishing to be heard was Jennifer Chamberlain, 418 7th Street NW. She stated it was her children getting off the bus and she has witnessed the same behavior. She felt 7th Street has become a speed road because of only one stop light to slow traffic.</p> <p>Wishing to be heard was Nick Fischer, 422 7th Street NW. He asked if the truck route issue could be conducted on a trial basis to see the impact. Staff would prefer conducting the study.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers McConnell moved, Marcoux seconded, to adopt Resolution No. 213-05 approving Project No. 6207-4-00 (J-9712) "Reconstruction of 7th Street NW from Cascade Creek Bridge #55529 to North Broadway (TH 63)". Ayes (6), Nays (0). Motion carried.</p>
E-10	<p>A Hearing for Assessment for Project No. 6207-4-00 (J-9712) "Reconstruction of 7th Street NW from Cascade Creek Bridge #55529 to North Broadway (TH 63)".</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmember Nowicki moved, Carr seconded, to adopt Resolution No. 214-05 approving assessments for Project No. 6207-4-00 (J-9712) "Reconstruction of 7th Street NW from Cascade Creek Bridge #55529 to North Broadway (TH 63)". Ayes (6), Nays (0). Motion carried.</p>
E-11	<p>A Hearing on Public Water Surface Use relating to the Regulation of Motor Vehicles and Motorboats.</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, McConnell seconded, to approve a Water Surface Use Ordinance and instructed the City Attorney to prepare the ordinance</p>

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	<p>for adoption. Ayes (6), Nays (0). Motion carried.</p> <p>Councilmember Nowicki left the meeting at 8:58.</p>
F-1	<p>Councilmembers McConnell moved, Marcoux seconded, to adopt Resolution No. 215-05 supporting that an EAW is not necessary for the Scenic Oaks Lakeview Development. Ayes (5), Nays (0). Motion carried.</p>
H-1	<p>See at end of D items.</p>
G-2a	<p>An Ordinance Annexing to the City of Rochester a Portion of the Northwest Quarter of the Northeast Quarter of Section 9, Township 107 North, Range 14 West, Olmsted County, Minnesota as given a first reading.</p>
G-2b	<p>An Ordinance Amending and Reenacting Section 60.424, 63.223 and 63.225 of the Rochester Code of Ordinances, Relating to Size and Lighting Restrictions for Signs in the B-5 (Residential Commercial) Zoning District was given a first reading.</p>
G-2c	<p>An Ordinance Amending and Reenacting Sections 63.262, 63.263, 63.265, b 63.266 and 63.269 of the Rochester Code of Ordinances, Relating to Bufferyard Regulations was given a first reading.</p>
G-2d	<p>An Ordinance Creating and Enacting Chapter 45C of the Rochester Code of Ordinances, Relating to the Regulation of Motor Vehicles and Motorized Boats on Public Waters within the City of Rochester was given a first reading.</p>
G-3a	<p>Councilmember McConnell moved, Marcoux seconded, to suspend the rules and give the Ordinance Amending and Reenacting Subdivisions 2 and 3 of the Section 95.13 of the Rochester Code of Ordinances, Relating to Taxicab Rates a second reading. Ayes (5), Nays (0). Motion carried. Councilmember Marcoux moved, McConnell seconded, to adopt the Ordinance as read. Ayes (5), Nays (0). Motion carried.</p>
J-1	<p>Having no further business, Councilmembers Marcoux moved, McConnell seconded to adjourn the meeting, Ayes (5), Nays (0). Motion carried.</p>


 Deputy City Clerk